IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 8151 of 2004

Between:

S.V. Panduranga Rao, S/o Late S. Vittal,
R/o 1-4-515, 1ST floor, Near Owaisi Health Centre, Musheerabad, Hyderabad - 500 020.

..... PETITIONER

AND

1 The AP Pollution Control Board, Maitrivanam,
Ameerpet, Hyderabad.
2 The Municipal Corporation of Hyderabad, Tank Bund
Road, Secunderabad,
rep. by its Commissioner.
3 The General Manager, District Industries Centre,
Hyderabad District,
Near RTC 'X' Roads, Hyderabad.
4 Faiz Ahmed, Major,
R/o 1-4-513, Beside Owaisi Health Centre,

Musheerabad, Hyderabad - 500 020.
5 Shabbir Ahmed, Major
R/o 1-4-513, Beside Owaisi Health
Centre,Musheerabad,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly in the nature of writ of mandamus directing the respondents 1 to 3 to take immediate action and shift the leather industry belonging to the respondents 4 and 5 from the Musheerabad area in the larger interest of the residents of the Musheerabad area.

Counsel for the Petitioner : MR.P.BHASKAR

Counsel for the Respondent No.1: MR. S.V. BHATT.

Counsel for the respondent No.2: MR. RAMA RAO GHANTA

Counsel for the respondent No.3: G.P. FOR INDUSTRIES & COMMERCE.

Counsel for the respondent Nos.4 & 5: MR. GODA VENKATESWARA RAO.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1 . Petitioner is a resident of D.No.1-4-515, 1st floor, near Owaisi Health Centre, Musheerabad, Hyderabad, which is a residential zone. It appears that by passage of time, the locality has become heart of the city and has been declared to be residential area as per Hyderabad Urban Development Authority Zonal Regulations. Grievance of the petitioner is that business activity of respondents 4 and 5 is causing psychological problem to the residents, more particularly to the children, by watching the puddles of blood, blood oozing hides, etc., being stored by respondents 4 and 5 in their compound. It is stated that raw hides come to the premises fresh from the slaughterhouses and when the hides come, they would be oozing the blood and the area would become unhygienic with puddles of blood. The raw hides also contain pieces of flesh, which would be shaved by 4th and 5th respondents and the pieces of the same are strewn on the roads and also dump the same in the open dust bin opposite to the industry. The said unhygienic way of disposal of the flesh pieces is causing a severe health hazard to the residents of the area and also to the passers by of the road. Petitioners have thus prayed that direction be issued to respondents 1 to 3 to take immediate steps to direct respondents 4 and 5 to shift their leather industry from Musheerabad to any other industrial area.

2 . There is no counter affidavit filed by the other respondents. Only respondent No.1 has filed affidavit stating that site was inspected. At the time of inspection, petitioners as well as Mohd. Shafeeq, representative of M/s

Sana Leathers, were present. During the inspection it was observed that M/s Sana Leathers is located in a busy commercial/residential area of Musheerabad. M/s Owaisi Health Centre is situated just adjacent to this unit. In the course of inspection, it was also observed that the unit was not in operation. However, in case of operation, there is every possibility of odor, nuisance and unhygienic conditions prevailing in the surrounding areas. Further, it was also observed that even though the unit is not carrying out tanning but the unit is getting raw hides from slaughterhouses, thereby there is every possibility of blood and flesh generating from raw hides which causes smell, nuisance and inconvenience to the surrounding residents. The reply further states that the activity of M/s Sana Leathers pertains to the trading of raw-hides for which the respondent – Board does not issue any trading permission which has, in effect, been issued by Municipal Corporation of Hyderabad.

3. In the given facts and circumstances, it may not be possible to issue any direction to respondent No.1 inasmuch as the problem being faced by the residents of the locality does not come in the purview of 1st respondent but would come in the purview of 2nd respondent while issuing licence for trading of raw-hides in the residential locality. It is for 2nd respondent to ensure that in case such an activity is objectionable in the locality or is objected to by the residents of the locality, no licence is issued to that industry and to ensure that such an activity being carried on is stopped, which has to be done only at the time of renewal of licence. Consequently we dispose of the writ petition with direction to respondent No.2 to treat the writ petition itself as representation along with report of the Regional Office of Pollution Control Board, Hyderabad. On consideration of the complaint and the report, whatever steps that are deemed fit and proper in the circumstances of the case may be taken after due

notice to respondent Nos.4 and 5. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 16.12.2004.

VRK.

To

1 The AP Pollution Control Board, Maitrivanam, Ameerpet, Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad, Tank Bund Road, Secunderabad.
3 The General Manager, District Industries Centre, Hyderabad District, Near RTC 'X' Roads, Hyderabad.
4. Two CCs to G.P. for Industries & Commerce, High Court Buildings, Hyderabad.

5. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

W.P.NO. 8151 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 16.12.2004.